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Attorneys for Defendant,
 ALLEN TAM

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 7/12/06

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALLEN TAM,

Defendant.

Case No. CR 06-0208 RMW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE STATUS
 CONFERENCE**

[SIGNATURE BY FACSIMILE]

The parties, by and through their counsel, hereby stipulate that the Status Conference, currently scheduled for Monday, July 17, 2006, at 9:00 a.m. before The Honorable Ronald M. Whyte in Courtroom Number 6, be rescheduled until Monday, September 18, 2006, at 9:00 a.m. and that time under the Speedy Trial Act, 18 U.S.C. § 3161, is excluded from July 17, 2006 to September 18, 2006. The reasons for this Stipulation appear below.

1. On or about May 30, 2006, counsel for defendant, Allen Tam, provided a blank portable hard drive to Agent Linda Trigg of the San Jose Office of the Federal Bureau of Investigation ("FBI"). Agent Trigg subsequently delivered the hard drive to the FBI's Regional Computer Forensics Laboratory, so that it could prepare an image copy, for defendant, at defense

1 counsel's request, of all computer media the U.S. Attorney has in the above matter, including but
2 not limited to the computer media on the Sony Vaio notebook computer in its possession.

3 2. At the time the hard drive was delivered to the FBI, it was expected that it would
4 be returned to defense counsel within two to three weeks. As of approximately June 20, 2006,
5 however, due to a backlog at the FBI's Regional Computer Forensics Laboratory, they were
6 unable to begin transferring the information to the blank hard drive provided by defense counsel.
7 As of July 6, 2006, defense counsel had not received the hard drive containing the requested
8 information and had not been given a date by which the process would be completed.

9 3. Even when defense counsel receives the hard drive from the FBI's Regional
10 Computer Forensics Laboratory, it is unknown how long it will take to completely review and
11 analyze the material on the hard drive, and to determine whether an expert will be necessary to
12 evaluate the material.

13 4. Defense counsel also has been provided with over 2,000 pages of documents, and
14 was recently informed by the Assistant United States Attorney that there may be additional
15 documents produced. As with the hard drive, defense counsel requires further time to review
16 and evaluate these documents to determine their relevance and materiality.

17 5. The charges against defendant – one count of conspiracy to commit mail fraud
18 and wire fraud (18 U.S.C. § 371), four counts of mail fraud and aiding and abetting (18 U.S.C.
19 §§ 1341 and 2), and five counts of wire fraud and aiding and abetting (18 U.S.C. §§ 1343 and 2)
20 – are complex in nature. It will take time for defense counsel to fully and properly review the
21 material and to have a complete understanding of the issues involved in the case. Continuing the
22 status conference until September 18, 2006, will give defense counsel the opportunity to
23 accomplish this objective.

24 6. In addition, the Assistant United States Attorney working on this case, Kyle
25 Waldinger, Esq., has informed defense counsel that he will be out of the office for two weeks
26 starting July 18, 2006, and also will be unavailable from approximately mid-August through
27 mid-September.
28

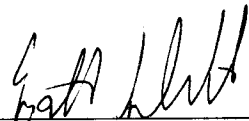
1 7. Given the complex issues in the case, the necessity for defense counsel to prepare
2 effectively, and the unavailability of the government's counsel, a continuance of the Status
3 Conference is warranted.

4 8. Counsel for defendant conferred with AUSA Kyle Waldinger by telephone on
5 June 28, 2006. Mr. Waldinger stated that he did not object to the continuance.

6
7 IT IS SO STIPULATED.

8
9 DATED: July 7, 2006

McMANIS, FAULKNER & MORGAN

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12 JAMES McMANIS
13 NEDA MANSOORIAN
14 MATTHEW SCHECHTER

15
16 Attorneys for Defendant,
17 ALLEN TAM

18
19 DATED: _____

UNITED STATES ATTORNEY –
NORTHERN DISTRICT OF CALIFORNIA

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21 _____
22 KYLE WALDINGER

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24 Attorneys for Plaintiff,
25 UNITED STATES OF AMERICA
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McMANIS, FAULKNER & MORGAN

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12 _____
13 JAMES McMANIS
14 NEDA MANSOORIAN
15 MATTHEW SCHECHTER

16 Attorneys for Defendant,
17 ALLEN TAM

18
19 DATED: 7/6/2006

20 UNITED STATES ATTORNEY -
21 NORTHERN DISTRICT OF CALIFORNIA

22 _____
23 *Kyle F. Waldinger*
24 KYLE WALDINGER

25 Attorneys for Plaintiff,
26 UNITED STATES OF AMERICA
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STIPULATION AND ~~PROPOSED~~ ORDER TO CONTINUE STATUS CONFERENCE;
CASE NO. CR 06-0208 RMW

ORDER

The Court finds that, taking into account the public interest in the prompt disposition of criminal cases, granting the continuance until September 18, 2006 is necessary for the effective preparation of counsel and continuity of government counsel. *See* 18 U.S.C. § 3161(h)(8)(B)(iv). Given these circumstances, the Court finds that the ends of justice served by excluding the period from July 17, 2006 to September 18, 2006 outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Therefore, IT IS SO ORDERED THAT the Status Conference in this matter, currently set for July 17, 2006, at 9:00 a.m., be continued to September 18, 2006, at 9:00 a.m.

IT IS FURTHER ORDERED THAT the period from July 17, 2006 to September 18, 2006, be excluded from Speedy Trial Act calculations under 18 U.S.C. §§ 3161(h)(8)(A) & (B)(iv).

DATED: 7/12/06

/S/ RONALD M. WHYTE
HON. RONALD M. WHYTE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA